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August 4, 2015

TO: Mayor Michael Antonovich
Supervisor Hilda Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: Jackie Lacey 
District Attorney

SUBJECT: **STATUS UPDATE – VICTIM SERVICES REPORT**
(ITEM S-1 – NOVEMBER 12, 2014 AGENDA)

BACKGROUND

The Victim Services Report presented to your Board on November 12, 2014 by the District Attorney's Office, provided a detailed description of the major issues impacting delivery of services to victims of crime in Los Angeles County. We described challenges with maintaining consistent and necessary staffing levels when funding for victim services provided by the State or the County remained static or were significantly below the level necessary to competently meet the County's victim population service needs.

Last year, we provided services to more than 20,000 crime victims and their family members. Unfortunately, there were approximately 45,000 victims of violent crime in Los Angeles County.

With the passage of "Marsy's Law" in 2009, we described how victims were given state constitutional rights in criminal cases and are seeking to more actively claim them.

We described how our current staffing resources could not accommodate victim sites in all criminal court locations and other locations where victim sites could be strategically placed to provide better access to services for victims throughout Los Angeles County's expansive geographic area.

We identified that a critical need exists to assign additional Victim Services Representatives (VSRs) to communities where service levels are severely stretched, such as South Los Angeles, downtown Los Angeles, Pomona and the Antelope Valley.

We discussed how the City of Los Angeles has used their resources to place victim advocates on site at Los Angeles Police Department stations to provide immediate access to support services.

We believe that victims served by the Los Angeles County Sheriff's Department (LASD) stations and bureaus also would benefit from the presence of a VSR on site.

We reviewed the needs for specialized assistance to victims of hate crimes, human trafficking and financial crimes.

We recommended additional Restitution Enhancement Program (REP) paralegals be assigned to courthouses to assist in the preparation of restitution orders. Currently, REP paralegals work in multiple court locations. Dedicated staff in each court would reduce the potential for oversight of a claim or an untimely submission, which can harm a victim's right to restitution.

We explained how the passage of AB109, the Criminal Justice Realignment Act, created a major service gap for some victims. The new law did not include a mechanism for collecting restitution from convicts who were sentenced to local jails. We recommended that your Board create a local restitution collection system.

On November 12, 2014, your Board requested the District Attorney to work with the Chief Executive Officer to develop a comprehensive Victims Services Strategic Plan and report back at the same time the Comprehensive Diversion Plan for Mentally Ill report was to be presented, including the following components:

- A. Establishing new victims sites, especially in Sheriff's stations;
- B. Expanding services to victims of non-violent crimes, while continuing to prioritize services for victims of violence and threats of violence;
- C. Increasing service levels at existing sites when necessary;
- D. Adding specialized advocacy units, including services for victims of hate crimes, human trafficking and financial crimes;
- E. Increasing the staff within the Restitution Enhancement Program; and
- F. Identifying gaps in services which can be provided by community-based organizations.

DEVELOPMENT OF A STRATEGIC PLAN

As part of the budget process for Fiscal Year 2014-2015 and Fiscal Year 2015-2016, the District Attorney's Office has worked with the CEO to meet the mission objective of addressing the needs of victims by ensuring that services are being provided by sufficient numbers of well-trained, highly motivated staff. Based upon relevant data, critical needs were identified and triaged to determine the most emergent. A phased plan to strategically add necessary staff for each fiscal year to attain appropriate staffing levels was deemed the best approach to efficiently and effectively proceed.

Once the staffing resources are in place and services are being provided as defined, an assessment of the impact of these services will be conducted. Based upon the results, allocation of available resources and the need for additional staff will be reassessed and determinations made as to how to proceed in the next budget cycle. We anticipate that it will take five years of assessment and phased staffing enhancements to determine if appropriate staffing levels have been allocated to effectively provide necessary services.

Towards this goal, the following steps have been taken:

A. FISCAL YEAR 2014-2015: ASSIGNMENTS OF VSRs TO ADDRESS CRITICAL NEEDS UTILIZING NEW ITEMS

We received seven additional VSR items in our budget from your Board. We also pursued grant opportunities to enhance VSR staffing levels using alternative funding sources. With these resources, we established or enhanced the following services for victims:

- Underserved Victims: Hardcore Gang Division (UV): Two VSRs provide specialized services for surviving families and next of kin of gang homicides, especially in Central, Compton and Long Beach.
- Realignment Victim Services Program (RVSP): Two VSRs assist victims impacted by the criminal acts of AB109 defendants, particularly assisting the Parole Revocation Section with victim notifications and honoring victims' rights post sentencing.
- Human Trafficking Victim Advocacy Program (HTVAP): Three VSRs are strategically assigned to areas with high incidence of human trafficking: Antelope Valley, South County (Compton/Long Beach), and Central (Figueroa corridor). They provide specialized comprehensive services for adult and minor victims of both the

sex trade and labor trafficking. These VSRs work closely with prosecutors assigned to Human Trafficking Unit, the Victim Impact Program (VIP), Organized Crime Division, and LADA's First Step Diversion Program.

- Victims' Rights Assistance (VRA): Three VSRs are assigned to facilitate notifications to victims; assist victims requesting Marsy's Law rights; and advocate for victims' rights to be honored by criminal justice personnel whenever possible.
- Juvenile Advocacy Services (JAS): Two VSRs are to be assigned to LADA Juvenile South (August 2015) and Juvenile North (by 2016) to assist victims of serious and sensitive cases involving juvenile court offenders.

B. FISCAL YEAR 2015-2016: PROPOSED ASSIGNMENTS OF ADDITIONAL VICTIM SERVICES REPRESENTATIVES

To further the goal of increasing and enhancing services for victims in the coming current fiscal year, as part of our budget request we are seeking ten additional VSR items with plans to allocate staff as follows. Proposed placement of VSR staff is provided in this report. Additional front-line service staff has a commensurate need for appropriate supervision and support services. Our budget request for this year recognizes this need.

- Add to Existing Underserved Sites: To facilitate efficient and effective access to VWAP services for victims and enhance availability of services in communities throughout the County, the assignment of additional VSR staffing to the following sites will be a priority. Depending upon available resources and community needs, the VSRs will either be located at regional courthouses or local LASD stations. All of the listed sites are in need of additional staffing to meet the needs of the population served in the region and crimes reported in the service area and surrounding communities.

LOCATION	CURRENT STAFF	ADDITIONAL STAFF	TOTAL STAFF AT SITE
AIRPORT/LASD- West Hollywood	1	1	2
PASADENA/Glendale/Burbank	1	1	2
TORRANCE/LASD – Lennox	1	1	2
COMPTON/LASD – Compton	2	1	3
ANTELOPE VALLEY/LASD – Palmdale/Lancaster	2	1	3
CIVIC CENTER/Family Violence Division/LASD Special Victims Unit and LAPD Juvenile Victims Bureau	1	1	2

- Open New Sites:

Fraud & Financial Crimes Victim Services Program (FFVSP): To address gaps in available services for crime victims experiencing emotional trauma and substantial financial losses from fraud, theft, scams, arson, real estate and other property crimes, two VSRs will be assigned to specialize in services for these victims. VWAP grants and CalVCP compensation benefits have traditionally excluded comprehensive services for these victims. (2)

Santa Clarita (Court or LASD Station): Santa Clarita is the County's third largest incorporated city. Yet, its crime victims must travel great distances to either the San Fernando or Lancaster sites for victim services. Assigning a VSR to this new site at the Santa Clarita Courthouse or LASD Station will create better geographical access to VWAP services. (1)

Hate Crimes: Few specialized resources are available to victims of hate crimes, both in cases that are filed for prosecution and those that are not prosecuted immediately (if at all). A VSR will assist these families in finding resources to rebuild their lives and survive inflicted emotional trauma and/or physical injury. (1)

IDENTIFYING EXISTING GAPS IN SERVICES

A review and analysis of services and compensation available to victims from current sources was conducted. The following specific gaps in services were identified; these needs are either not covered by existing resources at all or are not sufficiently covered through CalVCP. Recommendations for how these gaps can be addressed are also included. The recommendations involve a variety of proposed interventions, strategies and action items. In some instances, the needed service or support is currently provided by a County Department, but is not available to this population (such as food vouchers). In others, new programs will need to be developed and funded to fill the need identified.

POSSIBLE FUNDING RESOURCE: ALLOCATE ESCHEATED “UNCLAIMED VICTIM RESTITUTION” TO FUND IDENTIFIED GAPS IN VICTIM SERVICES

The County’s Probation Department is the designated agency to collect victim restitution payments from convicted felons and disburse collected funds to rightful victims. Probation is authorized to charge defendants an additional 15% fee on top of the court ordered victim restitution. When Probation, despite its best efforts, is unable to locate a victim to make disbursements of amounts collected, that money becomes “unclaimed victim restitution” and is held in Probation’s accounts until the victim comes forward. If the money remains unclaimed, after three years, there is process by which the money escheats to the State. However, unclaimed victim restitution can be used to fund County victim services instead of sending it to the State coffers to trickle back to the County’s Victim Witness Assistance Program (as the principal beneficiary of the State Restitution Fund).

Government Code § 50050 states that the unclaimed victim restitution shall be deposited into the Victim Restitution Fund or used by the *local agency* for purposes of victim services after the expiration of the three year period.¹ Your Board is the local agency that has authority to direct these funds to the District Attorney Victim Witness Assistance Program as the designated major

¹ California Government Code Section 50050 states, “For purposes of this article, ‘local agency’ includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. *At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. . .*” (Italics added).

provider of victim services for the County of Los Angeles.² According to the Probation Department, approximately \$470,000 in unclaimed victim restitution is currently being held by Probation in a Victim Assistance Trust Account. Since 2011, LADA has been diligently seeking to transfer these funds from Probation to District Attorney VWAP. Probation has indicated that, at the direction of your Board, these escheated funds will be released to the District Attorney VWAP to administer local victims' services as intended by statute.

To the extent thousands in escheated unclaimed victim restitution funds will be directed to Probation's Victim Assistance Trust Fund each year, such funds can be directed to the District Attorney VWAP to be utilized as a funding resource for many of the recommendations discussed in this report relating to identified gaps in victim services.

A. GAPS IN IMMEDIATE ASSISTANCE FOR POOR AND HIGHLY TRAUMATIZED VICTIMS

For victims, the journey to rebuild their lives begins immediately after the commission of the crime. Unfortunately, access to financial assistance is often completely unavailable from existing sources or available funds fall short of what is necessary to adequately address the needs of the victim.

- Short Term Housing: Victims may be required to leave their residence for many reasons: to avoid imminent harm; because their home is destroyed, especially by arson; or because their home is a crime scene. Yet, short term housing for victims is not readily available to meet this need throughout the County. The County does currently provide short term housing assistance for the homeless and victims of domestic violence in some instances.
- Limits of Available Victim Compensation: Short term housing and/or hotel expenses are impacted by the \$2,000 CalVCP limit towards relocation benefits. Thus, a victim staying in a hotel for weeks before finding a permanent place to move may exhaust CalVCP relocation benefits before finding permanent housing.

RECOMMENDATION: A "hotel voucher" system for victims of violent crime fleeing their homes could be made available for at least 3 to 5 days to assist them to return home or relocate to another home.

² A brief review of definitions of "local agency" in other Government Code sections have consistently included "county" as being a local agency. However, whether a county department is a local agency varies depending on the specific definitions provided.

PROPOSAL: County Departments that currently provide short term housing assistance for other populations should be directed to develop a program for victims of violent crime to receive emergency short term housing to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

- Crime Scene Clean Up – Automobile: CalVCP reimbursement for the cost of crime scene cleanup is for up to \$1,000 when the crime scene is a residence. If a victim is injured or killed in their automobile, the cost to clean up the vehicle crime scene is not an allowable CalVCP reimbursable expense. For victims who do not have alternative means to get to work or drive their children to school, they must decide to drive a car with visible reminders of the crime, clean up the hazardous waste themselves or pay the cost to have the car detailed.

RECOMMENDATION: A funding source should be identified to provide up to \$1,000 to reimburse the cost of cleaning up a crime scene which occurs in a vehicle.

PROPOSAL: Funds should be provided to the District Attorney's Office sufficient to address this need. The number of potential automobile clean up requests cannot be determined, especially since it is not currently a covered CalVCP benefit. However, based upon local knowledge and experience, estimates are approximately 100 vehicles per year need crime scene clean up. Using the CalVCP allowable benefit amount to apply for this service, a fund with at least \$100,000 available should be set aside towards this gap in services.

- Food: Victims of violent crime may have to flee their homes; spend hours at police stations; and days waiting for criminal justice proceedings to unfold at courthouses. Many of them are without resources to buy food when required to be away from home.

VWAP advocates can make emergency allocations to families of up to \$300. However, there can be delays in obtaining this money for victims. Victims are not able to obtain any money after hours or on the weekends.

RECOMMENDATION: Funding should be identified for a system to provide "food vouchers" to victims through law enforcement and VWAP advocates should be created to provide meals for crime victims and their children who are hungry and/or do not have funds immediately available to purchase food.

PROPOSAL: County Departments that currently provide food voucher assistance for other populations should be directed to develop a program for victims of violent

crime to receive emergency food assistance to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

- **Funeral/Burial Costs:** Many family survivors of criminal homicide victims need immediate funds to properly bury their loved ones.

CalVCP limits reimbursement to \$5,000 for funeral and burial expenses which rarely covers the costs to bury a loved one³ leaving the victim's family in the position of having to raise the necessary funds through means such as fund raisers.

RECOMMENDATION: A fund should be established to provide a fixed amount (\$2,000) towards assisting impoverished families with the burial costs of criminal homicide victims.

PROPOSAL: Funds should be provided to the District Attorney's Office sufficient to address this need. In FYI 14-15, it is estimated that CalVCP paid approximately 600 funeral and burial claims for the maximum benefit allowable of \$5,000. It is recommended that the County set aside approximately ½ million dollars in funding designated for these families to apply for up to \$1,000 additional in County funds to offset costs incurred from burying their loved one. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for CalVCP funeral/burial benefits.

- **Car Impound Fees:** Through no fault of their own, victims of crimes such as carjacking, Driving Under the Influence with Injuries, and homicides, may be charged towing and impound fees associated with the removal or storage of their vehicles after the commission of a crime.

CalVCP does not cover this expense.

RECOMMENDATION: A fund should be established to provide a fixed amount (\$300) for victims to pay vehicle impound fees incurred as a consequence of the commission of a crime.

PROPOSAL: The number of crime victims' vehicles that incur towing fees after recovery of their vehicle by law enforcement is not readily available. Unfortunately, towing companies that remove and/or store victims' vehicles, regardless of the seriousness of the crime, are unsympathetic when it comes to waiving or lowering

³ <http://www.angieslist.com/articles/comparing-funeral-costs-burial-vs-cremation.htm>

these costs. If towing fees were applied to every carjacking case filed by LADA in 2014, there would be at least 200 victims paying approximately \$300 in towing fees to gain access to their vehicles.⁴ It is recommended that the County make funds available to assist eligible victims with towing costs to gain access to their vehicles. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for CalVCP disbursement of funds.

- **Coroner Fees:** Family survivors of criminal homicide may incur fees (\$312.12) for removal of the victim's remains when there was a delay in determining if the death was caused by a criminal act. When a criminal act caused the death, an exemption to paying these fees applies. (Cal. Gov. Code Sect 27472). This is often an issue in cases involving driving under the influence deaths or other deaths which may not initially present as homicides.

CalVCP will not pay for or reimburse the costs of coroner fees even when families have paid them, and an eligible crime is later determined to have been the manner of death.

RECOMMENDATION: The County can institute a provision to forgo the billing for coroner's fees in deaths that are the subject of a criminal investigation, either by police or prosecutors, at least until the investigation into whether there was a criminal act concludes that there was none.

PROPOSAL: In cases involving a death under investigation by a law enforcement agency, your Board should direct the Department of Medical Examiner-Coroner's Office to delay the imposition and collection of Coroner fees until after a determination has been made that the death was the result of a criminal act.

B. GAPS IN COMPENSATION BENEFITS FOR HOUSING RELOCATION:

CalVCP limits the amount for relocation expenses to a maximum of \$2,000. Eligible victims can access relocation benefits upon showing that it is necessary for victims' emotional well-being or personal safety to relocate. There must be verification from law enforcement and/or a mental health provider establishing that the relocation is necessary.

⁴ <http://www.opgla.com/rates.aspx>

CalVCP benefits for relocation covers temporary housing, first and last month rent, security deposits, deposits for all utilities and phone, U-Haul, gas, movers, boxes, and in emergency situations, even food.

Thus, the \$2,000 is easily exhausted and victims must cover any expenses over that amount. With the high cost of housing in Los Angeles County (average \$1,400 - \$1,800 per month), this low maximum compensation amount severely limits choices for victims to find affordable alternative housing.⁵

It has been recognized that to effectively reduce gang violence, "Prosecutors need help getting substantially increased funds for extensive witness protection and other retaliation reduction measures."⁶

RECOMMENDATION: A fund should be established for victims who have received CalVCP relocation compensation. Consideration can also be given to establishing a fund for relocation benefits to victims who do not meet the stringent criteria for CalVCP relocation benefits.

PROPOSAL: In FYI 14-15, it is estimated that CalVCP paid approximately 550 relocation claims for the maximum benefit allowable of \$2,000. It is recommended that the County set aside approximately \$550,000 so that each of these victim families can apply for up to \$1,000 additional in County funds to offset costs incurred from safety relocations. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for CalVCP relocation benefits.

C. GAPS IMPACTING VICTIMS' RECOVERY AND STABILIZATION

Many crimes involve the use of physical force or violence against victims, often resulting in the infliction of trauma. Crime victims of all types of crime may experience trauma, however. Reactions to trauma vary from person to person and can last for a lifetime.

- **Physical Trauma:** Crime victims may experience physical trauma – such serious injury or shock to the body, as from a major accident. Victims may have cuts,

⁵ <http://www.latimes.com/business/la-fi-apartment-rents-20140703-story.html>

<http://losangeles.cbslocal.com/2014/10/07/study-rent-prices-in-la-oc-counties-to-increase-over-8-percent/>

⁶ *A Call to Action: A Case for a Comprehensive Solution to L.A.'s Gang Violence Epidemic* (2007)

http://www.advancementprojectca.org/sites/default/files/imce/p3_report.pdf page 7 of 108.

bruises, fractured arms or legs, or internal injuries. They may have intense stress reactions: their breathing, blood pressure, and heart rate may increase, and their

muscles may tighten. They may feel exhausted and unable to sleep, and they may have headaches, increased or decreased appetites, or digestive problems.

- Emotional Trauma: Victims may experience emotional trauma – such wounds may have long-lasting effects, including physical manifestations and health implications. Some crime victims may experience trouble sleeping, flashbacks, extreme tension or anxiety, outbursts of anger, memory problems, trouble concentrating, and other symptoms of distress for days or weeks following a trauma. A person may be diagnosed as having acute stress disorder (ASD) if these or other mental disorders continue for a minimum of two days to up to four weeks within a month of the trauma. If these symptoms persist after a month, the diagnosis becomes posttraumatic stress disorder (PTSD).”⁷
- Long Term Transitional Housing: Some victims of crime miss work for periods of time or quit work altogether because of the trauma inflicted upon them. Some victims lose their jobs because they are not able to perform at the same level as before the crime. While CalVCP does cover a percentage of wage loss as a result of the crime for some victims, it may not be sufficient for the victim to maintain their current standard of living.

Transitional housing should be made available to these victims and their families to enable them to stabilize and get back on their feet. Victims and their families should not be faced with homelessness because of their victimization.

Transitional housing support is available for many criminal defendants in need of assistance and support – such as for those in need of drug rehabilitation, those transitioning from a period of incarceration back into the community, or those needing mental health services and support.

Limited transitional housing is available for domestic violence victims and those who are homeless. There is not sufficient transitional housing that is focused on assisting victims of crime.

⁷ <http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/how-crime-victims-react-to-trauma>

RECOMMENDATION: The County should provide sufficient transitional housing support to enable victims to recover from the trauma they have suffered so that they can become self-sufficient again.

PROPOSAL: County Departments that currently provide housing assistance for other service populations should be directed to expand eligibility criteria to facilitate victims of violent crime receiving priority transitional housing assistance to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

- Treatment to Address Inflicted Injury: To the extent possible, victims who have been injured should be made whole. Victims who lose limbs because of crime need to have prosthesis. Likewise, victims who are disfigured because of a stabbing, shooting or mayhem often require cosmetic surgery to lessen the physical effect of the crime and help them fully heal. Unfortunately CalVCP does not cover all medical expenses related to these necessary medical procedures.

Prosthesis, eye glasses and hearing aids: If a victim has insurance, CalVCP pays the copay. If the victim does not have insurance, CalVCP pays 80% of billed amount.

Cosmetic surgery for victims who have been disfigured by crime: If a victim has insurance, CalVCP pays the co-pay. If the victim does not have insurance, CalVCP pays 80% of the physician bill and 100% of the facility (hospital) at the CalVCP rate.

Dental: If a victim has insurance, CalVCP pays the co-pay. If a victim does not have insurance, CalVCP pays 75% of billed amount.

RECOMMENDATION: A funding source should be identified to pay the amounts not covered by CalVCP to allow these victims the ability to fully recover physically and mentally.

PROPOSAL: Funds should be set aside for eligible victims who have maxed out CalVCP allowable benefits for these extraordinary and necessary medical and dental procedures yet continue to have on-going expenses related to injuries resulting from the criminal act perpetrated against them. In FYI 14-15, it is estimated that CalVCP paid approximately \$329,000 in dental benefits alone to LA County victims; a figure representing minimally 80% of the actual costs incurred. Figures for other extraordinary procedures discussed above are not readily available. It is

recommended that the County set aside minimally \$100,000 in County funds to offset costs incurred from extraordinary and necessary medical and dental procedures. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for these CalVCP benefits.

- Additional Recommended Treatments: When a violent crime occurs, victims can feel that they have lost control of their lives. A therapist may recommend that victims take self-defense classes or participate in other therapeutic activities to help them regain a sense of control over their lives. These types of classes and programs are not covered through CalVCP. Funds to pay for self-defense classes (such as martial arts or sport programs) would greatly assist victims who cannot afford to pay for these classes.

RECOMMENDATION: A funding source should be identified to assist victims with participation in classes and programs recommended by a therapist to assist in the victim's recovery.

PROPOSAL: County Departments that currently provide self-defense, art and/or sports classes should be directed to develop a program for victims of crime to participate in these classes with a fee waiver to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

D. ADDITIONAL FINANCIAL GAPS

Compensation for Victims of Financial Crimes Not Covered by CalVCP: The exclusion of victims of non-violent crimes from access to compensation was probably based on the misconception that these victims do not experience trauma. Victims of property, identity theft, financial scams and crimes, especially where losses are substantial, often suffer devastating emotional trauma. Recovery from these crimes can be very challenging for some victims, especially where the losses were substantial or where the victims' financial assets were minimal. With no allowable victim compensation funds, these victims must wait until the suspect is apprehended, charged, convicted, restitution ordered and collected, before any monetary relief is forthcoming for crime related losses. Often the only recourse for victims of financial crime is to sue the responsible party in civil court.

In addition to the obvious losses, property crime victims may have other financial losses such as the costs of credit repair and credit monitoring and legal fees necessary to correct real estate deeds or clear title resulting from fraudulent criminal acts.

RECOMMENDATION: A funding source should be identified to assist financial crime victims who have suffered extreme financial loss and who can demonstrate a financial need. A one-time award could be provided to these victims to cover basic necessities.

PROPOSAL: A fund should be established to allow this class of victims up to \$300 in emergency funds to provide for basic necessities and costs to stabilize and repair their financial well-being. It is recommended that the County set aside minimally \$100,000 in County funds to assist victims traumatized and negatively impacted by non-violent criminal acts. It is also recommended that a needs assessment be part of the eligibility criteria to access these County funds.

E. FINANCIAL LOSSES INCURRED BY ALL VICTIMS WHO PARTICIPATE IN THE CRIMINAL JUSTICE SYSTEM

In addition to the losses described above, all victims may suffer additional financial costs because of their participation in the criminal justice system. **Victims actually lose money by participating in the court process.** They must take time off from work to attend court proceedings resulting in lost wages, additional expenses for meals and mileage costs. Victims are entitled to witness fees, meal expenses and mileage but not at a rate which adequately compensates them. In addition, victims in the downtown courthouse also must pay the cost of parking expenses.

Witness fees and mileage reimbursement are set by statute and cannot be changed by the Board of Supervisors. This information is provided so that your Board fully understands the financial impact that crime has on victims. For each day a victim who is employed must appear in court they often will not be paid by their employer. They must use available sick time or vacation time or lose pay. For victims who take care of minor children, they must pay for someone to take care of their child(ren) while they attend court or bring the child(ren) to court. These victims are reimbursed either \$18 or \$35 a day depending on whether the suspect is a juvenile or adult. CalVCP will not reimburse victims for wage loss for days attending court.

- Witness Fees: Currently, a witness in an adult criminal case is entitled to witness fees of \$12.00 a day or \$18.00 a day if they are employed. (Penal Code §1329) Witnesses in juvenile cases or parole revocation hearings are entitled to \$35.00 a day whether they are employed or not. (Welfare and Institutions Code §664 and Government Code §68093) As a comparison, jurors are entitled to juror fees of \$15.00 a day. (CCP §215) Grand Jurors are entitled to grand juror fees of \$60.00 a day. Penal Code §890 allows that grand jurors receive \$15.00 a day unless otherwise provided by

statute or county or city and county ordinance. In 2007, your Board increased the amount to which Grand Jurors are entitled from \$25.00 to \$60.00 a day.

- Mileage Reimbursement: Currently, witnesses in criminal, juvenile, dependency and civil cases and parole hearings are entitled to mileage reimbursement at the rate of \$0.20 a mile. Currently, jurors are entitled to \$0.34 a mile. (Code of Civil Procedure §215) Grand Jurors are entitled to the mileage reimbursement rates applicable to county employees. (PC §890) County employees are entitled reimbursement of \$0.525 per mile.⁸
- Costs of Meals: Often victims must remain in court for a full day – from the beginning of the day at 8:30 a.m. until the end of the day at 4:30 p.m. Currently witnesses are only allowed to be reimbursed up to \$3.00 for breakfast, \$4.00 for lunch and \$8.00 for dinner or a **total** of \$15.00 a day. This amount was set in 1993 by the court. By comparison, County employees are entitled to a reimbursement rate for meals when they travel of \$12.50 for breakfast, \$16.50 for lunch and \$40.75 for dinner or a total of \$69.75.⁹

RECOMMENDATION: The Board of Supervisors should consider advocating for the Court to increase meal allowances to sufficiently compensate victims who attend court.

PROPOSAL: Your Board should direct the Countywide Criminal Justice Coordination Committee (CCJCC) to review reimbursement costs afforded victims and witnesses attending criminal proceedings and make recommendations to better compensate victims and witnesses for expenses incurred while responding to a subpoena to testify.

- Victim/Witness Parking Fees at Criminal Justice Center (CJC): All witnesses, including all victims of crime required to appear in court under subpoena, are entitled to be reimbursed for reasonable parking expenses for attending court. In most courthouses, victims/witnesses are directed to a specific lot for parking where they may park for free. If required to appear at the Clara Shortridge Foltz Criminal Justice

⁸ <http://auditorweb.co.la.ca.us/filedownload.aspx?fileid=344>

⁹ <http://auditorweb.co.la.ca.us/filedownload.aspx?fileid=344>

Center (CJC), victims/witnesses are given a list of parking options from which they can choose. They must pay out of pocket, get a receipt and then get **reimbursed** for the parking if they fill out the application for witness fees. The reimbursement process can sometimes take months.

RECOMMENDATION: The County can help minimize financial losses to victims attending court at CJC where expensive parking must be prepaid by victims upfront. The County has arranged to pre-pay downtown jurors' parking fees and be reimbursed by the courts. Jurors in the downtown civic center area need only show their juror summons and get free parking in the Disney Concert Hall parking garage at 111 South Grand Avenue. A similar arrangement should be made available for subpoenaed victims and witnesses.

PROPOSAL: County Departments that currently manage the program in place for jurors should be directed to develop a program for victims of crime to access parking without having to pay out of pocket to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

As the following statistics show, each month approximately 3,000 civilian witnesses are subpoenaed to attend the criminal court at CJC. Of these, approximately 1,000 are victims.

**WITNESSES SUBPOENAED TO CRIMINAL JUSTICE CENTER BY MONTH
01/01/2013 - 12/31/2013**

Sum of WITNESSES	VICTIM		Grand Total
MONTH	NO	YES	
JAN	2,033	1,060	3,093
FEB	2,046	925	2,971
MAR	2,081	963	3,044
APR	1,873	979	2,852
MAY	2,107	978	3,085
JUN	1,841	920	2,761
JUL	2,059	1,068	3,127
AUG	1,944	1,058	3,002
SEP	2,184	1,020	3,204
OCT	2,105	1,059	3,164
NOV	1,811	824	2,635
DEC	1,461	769	2,230
Grand Total	23,545	11,623	35,168

PRIORITIES FOR FUNDING GAPS:

A minimal allocation of \$250,000 in funds should be set aside for the District Attorney's Office each year to augment the escheated unclaimed victim restitution Victim Assistance Funds account to ensure that a stable funding source is established and maintained to fund gaps in services identified in this report.

NUMBER ONE: Allocate funding to meet additional VWAP and REP staffing requests to insure access and availability of victim services and restitution assistance.

NUMBER TWO: Direct the Treasurer Tax Collector to transfer escheated unclaimed victim restitution, as these funds become available each year, from the Probation Department to the District Attorney's Office for VWAP to administer as consistent with its mission and to address identified gaps in services, especially:

- Provide for limited funds to cover relocation costs not covered by CalVCP
- Provide for payment towards additional funeral/burial costs actually incurred in addition to \$5,000 received on CalVCP claim
- Provide limited financial and emergency assistance for fraud and other victims not otherwise eligible for CalVCP benefits
- Provide limited allocation towards vehicle towing fees incurred as a result of violent crimes
- Provide for limited allocation towards extraordinary and necessary medical services not covered by CalVCP benefits
- Provide for crime scene clean-up of automobiles currently not covered by CalVCP benefits
- Provide for short-term housing (as a backup resource to services provided by other county departments).

NUMBER THREE: Direct relevant County Department to provide parking upfront for victims and witnesses responding to a subpoena at the Clara Shortridge Foltz Criminal Justice Center downtown.

NUMBER FOUR: Direct relevant County Departments to facilitate recommendations consistent with this Report to mitigate identified gaps in victim services and prioritize delivery of the following services for victims:

- Provide access to food vouchers
- Provide access to short-term housing (vouchers)
- Provide transitional housing
- Hold Coroner's fees in abeyance until police/prosecutor investigation into manner of death is completed
- Provide fee waivers for rehabilitative services such as self- defense, arts and/or sports classes

NUMBER FIVE: Direct CCJCC to review meal allowances for victims and witnesses subpoenaed to criminal court.

We welcome any additional questions you may have.

c: Interim Chief Executive Officer
 Interim County Counsel
 Acting Executive Officer, Board of Supervisors
 Executive Director, CCJCC